



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,489	02/26/2002	Gary Dommer	65551-011910	4913
7590	08/11/2008		EXAMINER	
Patent Administrator Greenberg Traurig, LLP One International Place Boston, MA 02110			NGUYEN BA, HOANG VU A	
			ART UNIT	PAPER NUMBER
			2623	
			MAIL DATE	DELIVERY MODE
			08/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/085,489	Applicant(s) DOMMER ET AL.
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2623

–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 03 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

- (a) They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) They raise the issue of new matter (see NOTE below);
- (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. Applicant's reply has overcome the following rejection(s): _____.

6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet

12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. Other: _____

/Hoang-Vu Antony Nguyen-Ba/
Primary Examiner, Art Unit 2623

Continuation of 11. does NOT place the application in condition for allowance because: reconsideration of Applicants' claim language and corresponding support thereof in the disclosure fails to overcome the rejection of at least Claims 1, 8 and 13 over Alexander et al. in view of W3C Guidelines.

First, it is noted that the claim requirement of navigation over the second display portion that replaces previously displayed data fields with a display of current data fields along the Z axis from the second display portion does not appear to require specifically that the previously displayed data fields are in the first display portion as described in Applicants' specification at p. 6, line 4-5 (i.e., "[m]ovement in the z-direction changes the view of choices in the first display portion"). Applicants' claim language can be interpreted as navigation in the z-direction (i.e., the second display portion) changes the displayed contents of the different choices in the second display portion. In FIG. 5 of Applicants' disclosure, item 16 shows 4 fields which are purported to display certain data (not shown in the figure). Initially, a cursor or focus or highlight was on one of the fields and when this cursor or focus is moved from one field to another field, the highlighted data change because the data in the previous field are not the same data displayed in the current field where the cursor or focus is currently located. As such, there is no mention in the claim language of any fields or data in the fields in the first display as specifically described in the specification.

Second, even assuming that the claim language could be read such that the first display is required, Alexander appears to meet the claimed requirement. See Alexander; FIGs. 5, 6 and 7. The claimed first display portion is the window below the bar (e.g., the second display portion) showing "Grid, Sort, Schedule, Messages." When the cursor or focus is moved from one button in the bar (e.g., Grid) to another one (e.g., Schedule") the data displayed in the window below the bar as shown in FIG. 5 are replaced with data displayed in the window below the bar in FIG. 6. Movement in the bar from Grid to Sort to Schedule is the claimed requirement of movement in the z-direction.

The introduction of W3C reference at one point in time during the prosecution was in response to Applicants' explanation of the invention that is purported to relate to a movement of a mouse from a first display portion to a second display portion, movement that replaces the content of the first display portion without any key press. It is thus noted that different interpretations can be made with the same claim language.

After reconsideration of the claim language requirement and corresponding support in the specification, it is submitted that the claim language is still broad enough for Alexander, alone or in combination with W3C, to be considered to teach or suggest such claimed features.